Bom. Act III of 1901.

(2) In sub-section (2) of section 22 of the [1] Bombay District Municipal Act, 1901, for the words "The District Judge or such other judge as may be appointed by the Governor in Council in this behalf", the following words shall be substituted, namely :—

[Vol. IV of this Code.]

Bom. Act I of 1884.

(3) In the [2] Bombay Local Boards Act, 1884—

(*a*) in section 10, after the words "next following section", the following words shall be inserted, namely :—

[Vol. II of this Code.]

(*b*) in section 18, after the words "next following section", the following words shall be inserted, namely :—

[Vol. II of this Code.]

BOMBAY ACT No. I OF 1918.[3]

[THE BOMBAY PRIMARY EDUCATION (DISTRICT MUNICIPALITIES) ACT, 1918.]

[*5th February, 1918.*]

An Act to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay.

WHEREAS it is expedient to provide for the extension of primary education in municipal districts in the Bombay Presidency other than the City of Bombay ; It is hereby enacted as follows :—

Short title, extent and construction.

1. (*1*) This Act may be called the Bombay Primary Education (District Municipalities) Act, 1918.

(*2*) It extends to the whole of the Bombay Presidency except the City of Bombay.

Bom. Act III of 1901.

(*3*) It shall be construed as part of and supplementary to the [1] Bombay District Municipal Act, 1901, hereinafter called "the principal Act".

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) to "attend" a recognized primary school means to be present for instruction at such school on such days and at such time or times

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[1] Vol. IV of this Code.

[2] Vol. II of this Code.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1917, Pt. V, p. 483 ; for Report of Select Committee, *see ibid*, 1917, Pt. V, p. 970 ; and for Proceedings in Council, *see ibid*, 1917, Pt. V, p. 728 ; *ibid*, 1918, pp. 2 and 44.

on each day as may be required by the school committee with the approval of the prescribed educational authority ;

(2) "child" means a child whose age is not less than six and not more than eleven years ;

(3) "parent" includes a guardian and any person who has the actual custody of a child ;

(4) "prescribed" means prescribed by rules made by the local government under this Act ;

(5) "primary education" means such education as is for the time being recognized as such by the local government ;

(6) "recognized primary school" means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority ;

(7) "school committee" means a committee appointed under section 28 of the principal Act.

Issue of notification making primary education compulsory.

3. (*1*) The municipality in any municipal district constituted under the principal Act may with the previous sanction of the local government declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in such district from a date to be mentioned in the notification ; provided that, where a notification has been issued under this section with reference to children of one sex only, the municipality may with the like sanction issue a subsequent notification with reference to children of the other sex.

(*2*) A notification under this section shall be published in the Bombay Government Gazette and shall be posted at the municipal office and at such other places, if any, as the municipality shall deem necessary.

Municipality to make provision for primary education.

4. A notification shall not be issued under section 3 unless the municipality satisfies the local government that it is in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the municipality has so determined by resolution passed at a general meeting specially called in this behalf and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

School committee to be appointed.

6. Where a notification has been issued in any municipal district under section 3, the municipality shall, if a school committee has not already been appointed, appoint such committee, and it shall be the duty of such committee

subject to the provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.'

Duty of parents to cause children to attend school.

7. Where a notification under section 3 is in force in any municipal district, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such municipal district, cause such child to attend a recognized primary school in such district.

Meaning of "reasonable excuse."

8. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend a recognized primary school in any of the following cases :—

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause ;

(*b*) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the school committee is efficient, or has already completed his primary education ;

(*c*) where there is no recognized primary school within one mile, measured according to the nearest road, from the residence of the child.

Issue of attendance order.

9. Where the school committee is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the school committee, after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Penalty for failure to cause child to attend school.

10. (*1*) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the school committee.

Penalty for employing child liable for compulsory education.

11. (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the school committee, and before making any complaint under this section against any person, the school committee shall, unless

such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

School committee may authorize person to appear.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the school committee by such person as may be authorized by the committee in this behalf.

Taxation for the purposes of this Act.

13. For the purposes of this Act the municipality may, under the provisions of the principal Act, impose any fresh tax or increase any tax which is already levied in the municipal district.

Remission of fees.

14. Where a notification under section 3 is in force in any municipal district, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Power to exempt particular classes or communities.

15. The local government may by notification in the Bombay Government Gazette exempt any particular class or community from the operation of this Act.

Withdrawal of notification on default.

16. Where the local government is of opinion that any municipality has made default in any of the requirements of this Act, the local government, after giving the municipality an opportunity of furnishing an explanation, may by notification in the Bombay Government Gazette cancel any notification which has been issued under section 3.

Fines to be credited to municipality.

17. All fines levied by any magistrate in respect of any offence against the provisions of this Act in any municipal district shall be credited to the municipal fund.

Rules.

18. (*1*) The local government may by notification in the Bombay Government Gazette make rules for the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (*1*) and (*6*), shall be performed;

(*b*) prescribing the manner in which application may be made for sanction to issue a notification under section 3;

(*c*) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4;

(*d*) requiring the municipality to prepare and publish a register of children liable for compulsory primary education in the municipal district; and

(*e*) when the local government determines to share the cost of providing free and compulsory primary education,—specifying the extent to which the cost thereof shall be borne by the local government.